

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**Division of Housing Policy Development**

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Housing Element Working Group

An adequate supply of safe, affordable housing is critical to the quality of life for Californians and is critical to the State's economic vitality. California's housing element law, which requires periodic housing updates of the general plans of cities and counties, plays an important role in planning for a mix of housing for all income groups.

In recent years, concerns have arisen regarding the implementation and effectiveness of the current law. The State Department of Housing and Community Development (Department) has convened a Housing Element Working Group (Group) to evaluate and identify consensus areas for reform of California's housing element law.

The Group members were selected by key stakeholder interest groups and represent leadership and practical experience in dealing with housing and planning issues statewide. Their task is to identify the top priorities for reforming housing element law and development recommendation to improve the value and effectiveness of the law. Several legislative proposals relating to housing element law were held by the Legislature during the 2003 session of the current two-year legislative session to allow the Group time to consider and make recommendations to the Legislature. The Group has or is scheduled to meet until early Fall 2003 (June 25, July 23, August 13, September 10, September 24, October 15 and November 5, 2003).

The members of the Housing Element Working Group are listed below.

NAME	ORGANIZATION
Alex Amoroso Principal Planner	Association of Bay Area Governments
Susan Baldwin Senior Regional Planner	San Diego Association of Governments
Vince Bertoni Planning Manager	California Association of American Planners (City of Santa Clarita)
Anna Caballero Mayor, City of Salinas	League of California Cities (City of Salinas)
Tom Collishaw Deputy Director	Self-Help Enterprises, Visalia
Cathy Creswell Deputy Director	Department of Housing and Community Development
Lynn Harris Manager of Community Development	Southern California Association of Governments
Mike Herald Deputy Director of External Affairs	Department of Housing and Community Development
Bruce Houdesheldt Legislative Advocate	California Building Industry Association

Ilene Jacobs Director-Litigation, Advocacy and Training	California Rural Legal Assistance
Dara Kovel Regional Director, Southern California	Mercy Housing California
Mark Lovington Senior Staff Counsel	Department of Housing and Community Development
Nancy McLaughlin Executive Director	California Housing Consortium
Pete Parkinson Planning Director	California State Association of Counties (Sonoma County)
Mike Rawson Director	Public Interest Law Project California Affordable Housing Law Project
Janet Ruggiero Community Development Director	California Association. of American Planners (City of Citrus Heights)
Doug Shoemaker Policy and Program Director	Non-Profit Housing Association of Northern California
Shiloh Ballard Associate Director	Silicon Valley Manufacturing Group
Betsy Strauss City Attorney	League of California Cities (City of Rohnert Park)
Sam Mistrano Acting Executive Director	Southern California Association of Non-Profit Housing
Eric Toll Planning Director	California State Association of Counties (Mariposa County)
Linda Wheaton Assistant Deputy Director	Department of Housing and Community Development
Maureen Kennedy Facilitator	

updated: 9/3/03

Department of Housing and Community Development
Housing Element-Related Legislation 2003-04 as of June 16, 2003

*Note: Legislative action on 4 of these bills (marked with *) is being temporarily held by the authors.*

AB 218 (A 5/14)

Simitian (D) Palo Alto Location: Sen. H & CD

Housing Element Content/Process

Defines a “senior housing unit” for the purposes of housing element law.

AB 668 (I 2/19)

Cox (R) Fair Oaks Location: Sen. H & CD

RHNA Content/Process

Provides that a regional housing needs allocation is to be revised, either by the respective council of government or the Department, one year after the incorporation of a new city or the annexation of land by an existing city.

A portion of the affected county’s share of the regional housing need is to be allocated to the annexing or incorporating city.

The revised regional housing need determination will not affect other cities within the affected county.

*** AB 980 (A 3/28)**

Salinas (D) Salinas Location: Asm. H&CD

Housing Element Content/Process

A city or county can participate in an alternative-based housing element certification provided:

1. The jurisdiction’s housing element complies with statutory requirements, including addressing the needs of all income levels;
2. The housing element identifies adequate sites as determined by the RHNA process; and,
3. The housing element requires the production of 15 percent of the local government’s share of the regional housing need that is affordable to low and very low-income households.

Compliance

- To be eligible for subsequent self-certified housing element revisions, the bill requires the jurisdiction to produce the 15 percent of the local government’s share of the regional housing need for low and very-low income households.

Requires annual hearings to review the actual production of very low, low, and moderate housing units.

Funding

Provides that a jurisdiction with a self-certified housing element is eligible for any state funding awards made eligible to jurisdictions that have housing elements certified by HCD.

AB 994 (A 4/1)

Cox (R) Fair Oaks Location: Asm. Local Government

RHNA Content/Process

Requires the RHNA process to consider the amount of land within the city or county – owned by the state or federal government – that is unable to be rezoned for development.

Housing Element Content/Process

Requires a housing element to include an analysis of the land owned by the state and federal governments that is unable to be rezoned for development.

*** AB 1158 (I 2/21)**

Lowenthal (D) Long Beach Location: Asm. H&CD

Timelines

- Requires housing element updates to be prepared on a six-year cycle, rather than a five-year cycle, so that updates will coincide with the three-year cycle used for transportation planning.
- Authorizes COG's to file a formal objection to HCD regarding the housing needs determination. HCD must take action on the objection within 45 days.
- Allows HCD to extend, up to 60 days, the deadline by which COG's can determine the regional housing need allocation for data related delays.

RHNA Content/Process

- Provides that if the population forecast of a COG is within three percent of the projection of DOF, then the COG forecast is to be the basis for HCD to prepare the regional housing needs determination. If the forecast is greater than three percent, the COG and HCD are to work towards a mutual agreement on the forecast. If no agreement can be reached, DOF figures are to be used by HCD for the regional housing needs determination.
 - Requires COG's to consider, when allocating the regional housing need 1. Jobs/Housing balance; 2. State and federal land unavailable for development; 3. State and federal limitations on providing infrastructure; 4. County policies to protect agricultural land; 5. Past performance of a housing element; 6. Land preserved or protected from development under federal or state programs to protect open-space; 7. Distribution of growth for transportation planning purposes.
 - Modifies the process by which a housing needs allocation can be appealed and reallocated.
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SB 491 (A 4/2)

Ducheny (D) San Diego Location: Asm. H & CD;

Timelines

Extends the deadline for local governments to submit their housing elements by one year.

*** SB 492 (I 2/20)**

Ducheny (D) San Diego Location: Senate Floor; Inactive File

Compliance

SPOT BILL for measure to extend the SANDAG Self-Certification Program

Funding

SPOT BILL for measure to ensure that all self-certified housing elements are eligible for all state funds requiring a HCD certified housing element.

*** SB 744 (A 4/24)**

Dunn (D) Santa Ana Location: Senate Floor; Inactive File

Compliance

- Establishes a state Housing Accountability Committee allowing developers of affordable housing to appeal certain adverse local land use decisions that result in denial of a project or conditions that render the project infeasible.

- Burden of proof is on developer to show that the project meets affordability and land use consistency requirements. The local government must show that the project is not necessary to meet the regional housing need or that adverse public health, safety, historical resources, or the environment would be at risk.

If the committee finds the local government is not reasonable or consistent with local housing needs, the committee has the authority to direct the local government to process all necessary approvals within 30 days.